

EXHIBIT 5

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE: TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03-MDL-1570 (GBD) (FM)

BURNETT, ET AL.,

Plaintiffs,

v.

03-CV-5738 (GBD) (FM)

AL BARAKA INVESTMENT AND
DEVELOPMENT AND CORP., ET AL.,

Defendants.

ASHTON, ET AL,

Plaintiffs,

v.

02-CV-6977 (GBD) (FM)

AL QAEDA ISLAMIC ARMY,

Defendant.

VIDEOTAPED DEPOSITION OF FUAD RIHANI
New York, New York
Tuesday, April 22, 2008

Reported by: CAPRICE LATHE
Job No.: 10523

Magna Legal Services

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F. RIHANI

2

A I have my U.S. driver's license and I have
3 my Saudi driver's license. And I have now residency
4 papers in the Kingdom of Saudi Arabia.

5

Q And do any of your documents, either
6 your -- well, do any of the documents used for
7 identification purpose when you travel indicate your
8 travel on them, when you come and go from a country?

9

A My passport is stamped, normally, when I
10 enter any country and when I leave it.

11

Q And is that so when you enter or leave the
12 Kingdom of Saudi Arabia?

13

A Yes.

14

Q And that's something you obviously used
15 recently when you came back from Saudi Arabia?

16

A Yes, sir.

17

Q Sir, would you have a problem with
18 producing your passport for inspection purposes for
19 us to look at in this litigation? It may not be
20 today, but at some point.

21

A Yes, sir. I would be very happy to.

22

Q Do you have it with you today, sir?

23

A I have it at the hotel.

24

Q You have it at the hotel. Okay.

25

Sir, I understand we have been

1 F. RIHANI

2 referring to you as Dr. Rihani; that means you have
3 a doctorate, I take it?

4 A I have a doctorate in civil engineering in
5 transportation.

6 Q Civil engineering in transportation?

7 A Yes.

8 Q Where did you go to school, sir?

9 A Undergraduate at the American University
10 of Beirut. Master's -- I have a Ph.D -- at North
11 Carolina State University.

12 Q Are you fluent in Arabic, sir?

13 A Yes.

14 Q What is your native language?

15 A My native language?

16 Q Yes, your first language.

17 A Arabic.

18 Q Are you related in any way to the Binladin
19 family, sir?

20 A No.

21 Q How long did you know the Binladin family?

22 A My first encounter was with the father in
23 1966.

24 Q When you say "the father," what was his
25 name?

1 F. RIHANI

2 King Abdullah that he enjoyed with King Fahd?

3 A I really don't know.

4 Q Sir, you have served in directorship roles
5 with various organizations, right?

6 A Again, please.

7 Q You have served in directorship roles in
8 various organizations, correct?

9 A The only private company I worked for is
10 the Saudi Binladin Organization, and the Mohammed
11 Binladin Organization, and the Saudi Binladin Group.

12 Q I am talking about other organizations
13 that you were not employed by, but you served in
14 directorship roles.

15 A I taught at the North Carolina State
16 University. I worked for the North Carolina
17 Department of Transportation. And I worked for the
18 City of Amman in Jordan.

19 Q What was the city, Amman?

20 A The capital city, Amman, A-M-M-A-N.

21 Q Sir, are you familiar with an entity known
22 as the International Road Federation?

23 A Yes, I do. I am.

24 Q The short for that is IRF?

25 A IRF, correct.

1 F. RIHANI

² from the Greater Middle East area.

3 Q Have you made business contacts through
4 your affiliation with either IRF or IREF, sir?

5 A No.

6 Q Has the Saudi Binladin Group done business
7 work with Caterpillar?

8 A We buy their equipment, but we deal with
9 the agent in Saudi Arabia.

10 Q Are any of the other representatives
11 from -- are any of the other companies that are
12 members of the IRF or IREF any entities that SBG has
13 done business with in the past?

14 A NO.

15 Q There's nobody else that's on IRF or on
16 IREF that SBG has had any business dealings with,
17 sir?

18 A No, not directly. I mean, we buy
19 Caterpillar, when we buy 3M products, but we buy
20 them through the dealers in the Kingdom.

21 Q Any other entities that are members of the
22 IRF, sir?

23 A Not to my knowledge, no.

24 Q Are you familiar with an entity known as
25 the Middle East Policy Council?

1 F. RIHANI

2 A Recent.

3 Q Do you know whether it was as recent as
4 2002?

5 A I would think so, yeah.

6 Q I notice that the website indicates "All
7 Rights Reserved - 2002." Do you know whether that's
8 when they started having a website, sir?

9 A I think so.

10 Q Were you the director of research and
11 development at SBG in 2002, sir?

12 A No.

13 Q Do you know why they would put you down as
14 being the director of research and development at
15 SBG in 2002, sir?

16 A I don't know. They must have taken an old
17 description of my position and put it in the
18 records.

19 Q Are you aware whether the Middle East
20 Policy Council website still identifies you as
21 director of research and development for the Saudi
22 Binladin Group?

23 A No. They know I am a consultant, advisor
24 for research and development for the Saudi Binladin
25 Group.

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F. RIHANI

2

Q Why do you say they know that, sir?

3

A Because I -- we have been talking about it, talking about my activities -- on the phone, I have talked about activities and what I am doing and I mentioned it more than once that I am a consultant, advisor for research and development.

4

Q When did you mention that, sir?

5

A For the last ten years.

6

Q Do you know that the website apparently, as of today, lists you as a consultant for research and development for the Saudi Binladin Group?

7

A I don't know.

8

Q If you could take a look at what has been marked as Exhibit 2. I believe that is a printout from the Middle East Policy website printed just yesterday and I note that it now lists you as being a consultant for research and development for the Saudi Binladin Group.

9

Are you aware of the change, sir?

10

A No.

11

Q Do you know how that change was instigated, sir?

12

A They must have caught up with the error in the old website and they corrected it.

1 F. RIHANI

2 consult, provided to now?

3 A I would like you to repeat it.

4 Q Sure. What kind of research is it that
5 you currently provide advice, that you consult to
6 SBG about now?

7 A Renewable energy project.

8 Q Is it the development of that project that
9 you consult on, as well; in other words, what kind
10 of development do you do now?

11 A There's no development. The
12 development -- research and development as used in
13 my activities is basically development of
14 presentations and results of the feasibility
15 studies. I don't get involved in any execution of
16 the concepts or the projects I work on.

17 Q When did the change in your title that you
18 testified about, when would you say that came about?

19 A It is -- my work relationship with the
20 Saudi Binladin Group changed over the years from
21 full-time, half-time, on call basis, since 1990.
22 And in that vein, the tasks I was given were
23 confined to feasibility studies, concept
24 development, and the amount of work I did was
25 proportional to the workload that they were giving

1 F. RIHANI

² to me, so...

3 Q Sir, when did your title change from the
4 title that is represented on the websites, the
5 director of research and development, to the title
6 you told us it changed to today, which is
7 consultant?

⁸ A Research, it was ten years ago.

⁹ Q Ten years ago, sir?

10 A Yes.

11 Q Other than the change in title, was there
12 any shift that happened at that time that was
13 particular to that time, sir?

14 A No. It is as a result of my desire to be
15 back with my family and their desire for me to
16 continue working for them on important feasibility
17 studies. So from the time SBG was established until
18 now, my work was, in a technical term, on call
19 basis. It is things they could not forecast in
20 advance.

21 And when the workload went down, my
22 involvement was done and I was spending more time
23 with my family in the United States.

24 Q Over the past ten years, how much time
25 have you spent in the United States per year?

1 F. RIHANI

2 Educational Foundation?

3 A Yes, they do. Again, the IREF meetings
4 are always with IRF meetings. The differentiation
5 between the two for reimbursement is not an issue.

6 Q Sir, you know Phillip Griffin, correct?

7 A I do.

8 Q And Mr. Griffin, when we met with him and
9 spoke to him, he told us that you are an advisor to
10 Bakr Binladin. Is that correct, sir?

11 A Correct.

12 Q Do you advise Mr. Binladin in the capacity
13 as an employee of SBG or separately?

14 A Again, please.

15 Q Are you compensated separately for
16 advising Mr. Binladin or is that part of your role
17 with SBG?

18 A He is my immediate boss.

19 Q What do you advise Mr. Binladin about?

20 A About the results of my work. I receive
21 instructions of studies and the tasks I am supposed
22 to do and I report to him the results.

23 Q And what tasks have you been asked to do?

24 A Feasibility studies. Concept development
25 for projects. And research -- basic research.

1 F. RIHANI

2 Q What kind of research?

3 A A question came up by the higher-ups
4 whether they could air-condition the open court of
5 the Grand Mosque in Mecca. And I did the research
6 and outsourced to the U.S. and other entities
7 consultants, and carried the research, and presented
8 the results.

9 Q Sir, how are you paid by the Saudi
10 Binladin Group; is it a salary or is it hourly or
11 how?

12 A It has fluctuated over the years and it is
13 a monthly compensation depending on the load of work
14 assigned to me.

15 O How often does it fluctuate?

16 A How often?

17 Q Yes, sir. How often does it fluctuate?

18 A It fluctuated at least once every five,
19 six years in the last 30 some years.

20 Q I didn't hear the last part.

21 A In the last 30 years, I have been working
22 with them, with the Mohammed Binladin Organization.
23 I rejoined them in 1978. Resigned in 1982. And
24 then went back as a freelance consultant for
25 studies. And then I joined the Saudi Binladin Group

1 F. RTHANT

2 MR. HAEFELE: Your Honor, in the
3 transcript --

4 THE COURT: Just rephrase the question.

5 Q All right. What business relationships
6 did you follow up on that needed nurturing for SBG?

7 A I never did.

8 Q Do you know why Mr. Griffin would have
9 told us that you followed up on business relations
10 for SBG?

11 A I don't.

12 Q Did you have any contact with any SBG
13 clients here in the United States?

14 Or let me rephrase that.

15 Did you have any contact or
16 communication with any SBG business relations in the
17 United States?

18 A No. Except for my visit in New York to
19 Turner Construction International. It was a
20 courtesy call and Turner helps SBG in construction
21 management of large projects.

22 Q Did you have any contact or communication
23 with General Electric, sir?

24 A No. Except due to the visit of Mr. Jack
25 Welch to Jeddah, I attended a dinner for him.

1 F. RIHANI

2 A At SBG. And before, with Mohammed
3 Binladin Organization.

4 Q And what hat were you wearing when you
5 were that; in other words, was that in your position
6 as director of research and development or was it in
7 your position as a consultant for the company, or
8 was it some other position?

9 A Consultant, and someone with experience of
10 past attempts. I am one of the longest-serving
11 members of the team.

12 Q And did that process take from 1998
13 through 2004?

14 A I think -- yeah.

15 Q At some point while you were working for
16 SBG, you also lived in Alexandria, Virginia,
17 correct?

18 A Correct.

19 Q When was that, sir?

20 A I think we moved in the year 2000 and we
21 left Alexandria in 2002.

22 Q While you were in Alexandria, Virginia,
23 did you have an office in your home there?

24 A I always -- in my home, I always had a
25 personal office and a library and my music system.

1 F. RIHANI

2 Q What happened in the late 90's that caused
3 you to begin telecommuting? I'll put the quotes
4 around "telecommuting."

5 A Between Hickory and Jeddah, Saudi Arabia?

6 Q Yes, sir.

7 A What do you mean by telecommuting?

8 Q Where you began working from here at times
9 and sending work over there.

10 A I have been doing this for the last 32
11 years, not only from Hickory and Washington, D.C.,
12 but from hotels, Amman and London, and Chifkert
13 (phonetic). All my work has been telecommunicating.

14 Q Has SBG provided you with equipment in the
15 way of computers, faxes or telephone lines, or
16 reimbursed you for such items?

17 A They -- yes, they have.

18 Q What did they reimburse you for, to your
19 recollection?

20 A I have a work number, different number
21 than the family number, and they reimburse me for
22 that. They reimburse me for the fax machine and for
23 the photocopier. Anything related directly to my
24 work in Saudi Arabia that I need to use anywhere in
25 the world, I am reimbursed for it.

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2 Q What was the work phone number that they
3 provided you with or reimbursed you for?

4 A (828) 327-7704.

5 Q Was that a voice line as well as a fax
6 line?

7 A No. It is a voice line.

8 Q What was the fax line, if you recall?

9 A It is (828) 327-2305.

10 Q Were there any particular personal reasons
11 or health reasons that caused you to spend any
12 changed amount of time telecommuting in or around
13 1997?

14 A The workload was very low and this was
15 part of the period I was on half-time assignment and
16 I spent half of my time in the United States with
17 the family and telecommunicated with them whenever
18 it is needed.

19 Q Can you tell me why U.S. citizens in Saudi
20 Arabia experienced a difficult security environment
21 during that time period?

22 A Yes.

23 Q Why?

24 A I think it started with terrorist
25 activities, I don't remember the years, but that was

F. RIHANI

² the typical standard employment contract. I am not
³ an employee of SBG.

4 Q Who are you an employee of, then, sir?

5 A I am a freelance consultant that -- I had
6 the chance to do no work except for SBG for the
7 last -- since 1989.

8 Q And there's no corporate entity that you
9 work for other than the work that you perform for
10 SBG, correct?

11 A The only example I gave you is on the
12 board of SL in Germany.

13 Q And when SBG hired you to perform the work
14 that they hired you to perform -- is there any
15 written contract that you have with SBG?

17 Q It is only an oral contract?

18 A Yes.

19 Q And you get paid based on what you do for
20 them monthly, correct?

21 A Yes.

22 Q The exhibits that we have marked as
23 Exhibit 7 and 8 --

24 A Yes.

25 O -- does this refresh your recollection as